

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No. 05-11652-WGY

**PLAINTIFF JOHN D. CERQUEIRA'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, plaintiff John D. Cerqueira moves for partial summary judgment on the issue of liability. On December 28, 2003, defendant American Airlines, Inc. (AA) removed Mr. Cerqueira from AA flight 2237 and caused him to be detained and interrogated by the Massachusetts State Police. After Mr. Cerqueira was released from questioning and cleared for further travel, AA refused to serve him. Mr. Cerqueira has established a *prima facie* of discrimination, and AA has failed to articulate a legitimate nondiscriminatory reason sufficient to justify its decision to remove Mr. Cerqueira from flight 2237. With regard to AA's decision to deny service to Mr. Cerqueira following his release from questioning, AA has failed to articulate any reason for its decision. Thus, AA has failed to meet its burden of production, and Mr. Cerqueira is entitled to summary judgment on the issue of liability.

In support of this motion, plaintiff submits the accompanying memorandum and a statement of undisputed facts with exhibits.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), plaintiff requests oral argument on this motion.

**JOHN D. CERQUEIRA**

By his attorneys,

*/s/ Michael T. Kirkpatrick*

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Dated: September 22, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 22, 2006.

*/s/ Michael T. Kirkpatrick*

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Michael T. Kirkpatrick